

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE

Joni G. McNutt,

Plaintiff

v.

Civil Action No.

Bottomline Technologies, Inc.,

Defendant

NOTICE OF REMOVAL
AND DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§1441 and 1446, Defendant BOTTOMLINE TECHNOLOGIES, INC., by and through its attorneys, JACKSON LEWIS P.C., hereby removes this action from the Superior Court of the State of Maine, Cumberland County, to the United States District Court for the District of Maine. In support of this Notice of Removal, Defendant states as follows:

1. By Complaint dated July 23, 2014 and filed on or about that date in the Cumberland County Superior Court, Plaintiff Joni G. McNutt instituted a claim against Defendant. A copy of Plaintiff's Complaint is attached hereto as Exhibit 1. A copy of the State Court Summary Sheet, Acceptance of Service form, undersigned counsel's Entry of Appearance and the Notice of Filing of Notice of Removal to the Cumberland County Superior Court are attached hereto as Exhibits 2 through 5. Certified copies of the state court pleadings will be filed upon receipt of same from Cumberland County Superior Court.

2. This Court has original jurisdiction over this action by virtue of federal question jurisdiction pursuant to 28 U.S.C. §1331. Specifically, Plaintiff alleges disability discrimination

in violation of the Americans with Disabilities Act of 1990, 42 U.S.C. §12112-12177, *et seq.*, as amended, as well as the Maine Human Rights Act, 5 M.R.S.A. Ch. 337, *et seq.*

3. This Court also has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court by Defendant because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

i. Plaintiff is now and was when this action was commenced, a resident of the State of Maine.

ii. Defendant is incorporated in the State of Delaware and has its principal place of business and headquarters in the State of New Hampshire;

iii. A reasonable reading of Plaintiff's Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied. Although Plaintiff's Complaint neither alleges an amount in controversy nor sets forth a specific damages claim, it does allege that Plaintiff has suffered and continues to suffer lost back pay, front pay, compensatory and punitive damages as a result Defendant's alleged actions.

4. Pursuant to 28 U.S.C. §1446(a), this notice of removal is timely filed within thirty (30) days of July 23, 2014, the date on which Plaintiff's counsel mailed a copy of the state court Complaint with an Acceptance of Service form to Defendant's counsel.

5. As this action could have been commenced in this Court, removal is proper. 28 U.S.C. §1441(a). Furthermore, this Court may exercise supplemental jurisdiction over the Plaintiff's state law claims. See 28 U.S.C. §1367(a).

Respectfully Submitted,
BOTTOMLINE TECHNOLOGIES, INC.,
By its attorneys,
JACKSON LEWIS P.C.,

Date: August 11, 2014

By: /s/Debra Weiss Ford
Debra Weiss Ford
Maine Bar No. 4593
100 International Drive, Suite 363
Portsmouth, NH 03801
603.559.2700
debra.ford@jacksonlewis.com

Certificate of Service

I hereby certify that the foregoing was served via Conventional Filing on:

Sally A. Bourget
Clerk of Court
Cumberland County Superior Court
142 Federal Street
P.O. Box 287
Portland, ME 04112-0287

Howard T. Reben
Reben, Benjamin & March
97 India Street
P.O. Box 7060
Portland, ME 04112

Date: August 11, 2014

/s/Debra Weiss Ford
Debra Weiss Ford